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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 ARTHUR WEST,

12 Plaintiff,

13 v.

14 STEPHEN L. JOHNSON, U.S. EPA  
15 ADMINISTRATOR, U.S. SECRETARY OF  
16 COMMERCE, WASHINGTON STATE  
17 DEPARTMENT OF ECOLOGY, STATE OF  
18 WASHINGTON, PORT OF OLYMPIA,  
CITY OF OLYMPIA, WEYERHAEUSER,  
LOTT, FEDERAL RAILROAD  
ADMINISTRATION,

Defendants.

CASE NO. C08-5741RJB

ORDER GRANTING BRIEF  
STAY OF DISCOVERY

19 This matter comes before the Court on Defendants' Joint Motion to Extend Stay of  
20 Discovery. Dkt. 98. The Court has considered the pleadings filed in support of and in opposition  
21 to the motion and the file herein.

22 On December 12, 2008, Plaintiff, *pro se*, filed this suit asserting claims under several  
23 federal and state statutes. Dkt. 1. Plaintiff broadly asserts that some or all the Defendants have  
24 violated the Clean Water Act ("CWA"), 33 U.S.C. § 1251 *et seq.*, the Coastal Zone Management  
25 Act ("CZMA"), 16 U.S.C. § 1451 *et seq.*, and the National Environmental Policy Act ("NEPA"),  
26 42 U.S.C. § 4321 *et seq.* *Id.*

27 In late May 2009, Defendants filed motions to stay discovery until after a decision could  
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1 be made in their motions to dismiss. Dkts. 43, 49, 53, 55, and 57. Defendants' motions to stay  
2 discovery was granted. Dkt. 70. Discovery was stayed until July 24, 2009. *Id.*

3 Plaintiff filed a Notice of Appeal of an Order Denying [his] Motion for Preliminary  
4 Injunction with the Ninth Circuit Court of Appeals. Dkt. 94. Plaintiff sought appellate review of  
5 the order granting a brief stay of discovery. *Id.* On July 29, 2009, this Court found that the case  
6 should proceed on the current case schedule because Plaintiff's appeal of the Order Denying  
7 Motion for Preliminary Injunction and his appeal of the Order staying discovery did not divest this  
8 Court of jurisdiction. Dkt. 107.

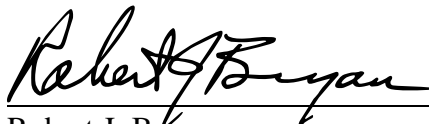
9 There are several Motions to Dismiss (Dkts. 54, 56, 68, 69, and 78) which are now ripe.  
10 Defendants now move for an order continuing the stay of discovery until 30 days after their  
11 various Motions to Dismiss are decided. Dkt. 98. Upon cursory review of the pending Motions  
12 to Dismiss, all of which are brought pursuant to Fed. R. Civ. P. 12, no discovery appears required  
13 to respond to them. Defendants have made a sufficient showing that the stay of discovery should  
14 be extended for a short period.

15 Therefore, it is hereby, **ORDERED** that:

- 16 • Defendants' Motion to Continue the Stay of Discovery (Dkt. 98) is **GRANTED**;  
17 • Discovery is **STAYED UNTIL SEPTEMBER 11, 2009**;

18 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel  
19 of record and to any party appearing *pro se* at said party's last known address.

20 DATED this 4<sup>th</sup> day of August, 2009.

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24 Robert J. Bryan  
25 United States District Judge  
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